

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 07-44

Introduced by: Council Member Chenoweth

Legislative Day No.: 07-25 Date: September 11, 2007

AN ACT to add new Section 179-8, Operation of off-highway vehicles and go-carts, of Chapter 179, Nuisances, Public Health, of the Harford County Code, as amended; to provide for a new definition of off-highway vehicle, farm vehicle, and go-cart; to regulate the operation of off-highway vehicles and go-carts on any property; to establish restrictions and standards for the recreational operation of off-highway vehicles and go-carts on any property; to prohibit the recreational use of off-highway vehicles and go-carts on any property consisting of less than 5 acres; to prohibit the operation of off-highway vehicles and go-carts during certain hours; to exempt certain off-highway vehicles and go-carts from the provisions of this Act; to establish penalties and fines for any violation of this Act; and generally relating to off-highway vehicles and go-carts.

By the Council, September 11, 2007

Introduced, read first time, ordered posted and public hearing scheduled

on: October 9, 2007

at: 6:00p.m.

By Order: Barbara J. O'Connor, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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Section 1. Be It Enacted by the County Council of Harford County, Maryland, that new
Section 179-8, Operation of off-highway vehicles and go-carts, be, and it is hereby added; to
Chapter 179, Nuisances, Public Health, of the Harford County Code, as amended, to read as
follows:

Chapter 179. Nuisances, Public Health.

Section 179-8. OPERATION OF OFF-HIGHWAY VEHICLES AND GO-CARTS.

A. DEFINITIONS. IN THIS SECTION, THE FOLLOWING WORDS SHALL
HAVE THE MEANINGS INDICATED:

(1) OFF-HIGHWAY VEHICLE: SHALL MEAN ANY MOTORIZED
VEHICLE EQUIPPED WITH TWO (2) OR MORE WHEELS OR
TREADS IN CONTACT WITH THE GROUND; DESIGNED
GENERALLY FOR OFF-ROAD USE; AND NOT SUBJECT TO
REGISTRATION UNDER ANNOTATED CODE OF MARYLAND,
TRANSPORTATION ARTICLE, TITLE 13, §13-101 ET SEQ. AN OFF-
HIGHWAY VEHICLE SHALL INCLUDE, BUT SHALL NOT BE
LIMITED TO, DIRT BIKES, MINIBIKES, OFF-ROAD MOTORBIKES,
ALL-TERRAIN VEHICLES ("ATV'S"), OFF-ROAD VEHICLES, OR
DUNE BUGGIES. AN OFF-HIGHWAY VEHICLE SHALL *NOT*
MEAN LAWN CARE OR LAWN MOWER VEHICLES;
CONSTRUCTION-RELATED EQUIPMENT; FARM VEHICLES;
MOPEDS; GOLF CARTS BEING USED ON GOLF COURSES; OFF-
HIGHWAY VEHICLES USED FOR GOVERNMENTAL PURPOSES;

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OR PERSONAL MOBILITY TRANSPORT VEHICLES SUCH AS
MOTOR DRIVEN WHEELCHAIRS OR SCOOTERS.

(2) FARM VEHICLE: SHALL HAVE THE MEANING STATED IN § 13-
911 OF THE TRANSPORTATION ARTICLE UNDER THE
ANNOTATED CODE OF MARYLAND;

(3) GO-CART: SHALL MEAN ANY MOTORIZED VEHICLE WITH A
FRAME, TWO TO FOUR WHEELS, AND A TWO-STROKE ENGINE.

B. OPERATION RESTRICTIONS. A PERSON MAY NOT OPERATE ANY OFF-
HIGHWAY VEHICLE OR GO-CART FOR RECREATIONAL PURPOSES ON
ANY PROPERTY CONSISTING OF LESS THAN 5 ACRES.

C. PROHIBITED HOURS OF OPERATION. FOR PROPERTIES GREATER
THAN 5 ACRES, A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY
VEHICLE OR GO-CART FOR RECREATIONAL USE BETWEEN THE
HOURS OF 8:00 P.M. AND 9:00 A.M.

D. EXEMPT LOCATIONS. NOTHING IN THIS SECTION SHALL BE
CONSTRUED TO PRECLUDE OR LIMIT:

(1) THE USE OR OPERATION OF OFF-HIGHWAY VEHICLES OR GO-
CARTS ON PUBLIC OR PRIVATE LANDS EXPRESSLY SET APART
FOR THE USE OF THESE RECREATIONAL VEHICLES PURSUANT
TO ANY ZONING PERMIT OR OTHER PERMIT OR LICENSING
PROCEDURE AUTHORIZED BY LAW.

E. PENALTIES FOR OFFENSES; ENFORCEMENT. ANYONE CONVICTED

1 OF VIOLATING ANY PROVISION OF THIS SECTION SHALL BE DEEMED
2 GUILTY OF CREATING A PUBLIC NUISANCE DETRIMENTAL TO THE
3 WELFARE OF COUNTY CITIZENS AND SUBJECT TO A FINE OF \$250.00.

4 (1) IN THE EVENT A PERSON LESS THAN 18 YEARS OF AGE IS
5 APPREHENDED OPERATING AN OFF-HIGHWAY VEHICLE OR
6 GO-CART IN VIOLATION OF THIS SECTION, THE VEHICLE MAY
7 BE IMPOUNDED UNTIL SUCH TIME AS THE FINE AND ALL
8 TOWING AND STORAGE FEES ARE PAID BY THE PERSON'S
9 PARENT OR LEGAL GUARDIAN.

10 (2) THE PARENT OR LEGAL GUARDIAN OF ANY UNEMANCIPATED
11 PERSON UNDER THE AGE OF 18 YEARS OF AGE FOUND GUILTY
12 OF A VIOLATION OF THIS SECTION SHALL BE CONCLUSIVELY
13 RESPONSIBLE FOR THE PAYMENT OF THE FINE IMPOSED BY A
14 COURT OF COMPETENT JURISDICTION FOR SUCH VIOLATION.

15 (3) IF AN ENFORCEMENT OFFICER FINDS THAT A PROPERTY
16 OWNER KNOWINGLY PERMITS OFF-HIGHWAY VEHICLE OR
17 GO-CART ACTIVITY TO OCCUR ON THEIR PROPERTY IN
18 VIOLATION OF ANY PROVISION OF THIS SECTION, THE
19 ENFORCEMENT OFFICER MAY:

20 (A) ISSUE A NOTICE OF VIOLATION STATING THE
21 PROVISION OF THIS SECTION THAT THE PERSON
22 VIOLATED; THE DATE, NATURE, AND EXTENT OF THE

1 VIOLATION; AND THE ACTION REQUIRED TO CORRECT
2 THE VIOLATION; OR

3 (B) ISSUE A CIVIL CITATION TO THE PROPERTY OWNER FOR
4 WHICH A FINE OF \$150.00 MAY BE ADJUDGED IF:

5 I. THE ENFORCEMENT OFFICER WITNESSED THE
6 VIOLATION; OR

7 II. IT IS DETERMINED BY THE ENFORCEMENT
8 OFFICER UPON A SUBSEQUENT RETURN TO THE
9 PROPERTY THAT THE PROPERTY OWNER HAS
10 FAILED TO TAKE THE NECESSARY ACTION
11 REQUIRED IN A PREVIOUSLY ISSUED VIOLATION
12 NOTICE TO CORRECT THE VIOLATION.

13 (4) CITIZEN'S TWO PARTY COMPLAINT FORM. CITIZENS MAY
14 INSTITUTE AN INDEPENDENT FORMAL COMPLAINT AGAINST
15 A PROPERTY OWNER WHO KNOWINGLY PERMITS UNLAWFUL
16 OFF-HIGHWAY VEHICLE OR GO-CART ACTIVITY ON THEIR
17 PROPERTY IN VIOLATION OF THIS SECTION.

18 (A) FORMS. CITIZENS MAY OBTAIN A "CITIZEN'S TWO
19 PARTY COMPLAINT FORM" FROM THE ENFORCEMENT
20 OFFICER RESPONDING TO THEIR COMPLAINT ABOUT
21 OFF-HIGHWAY VEHICLE OR GO-CART ACTIVITY ON A
22 PARTICULAR PROPERTY IN VIOLATION OF THIS

1 SECTION OR MAY OBTAIN THE FORM DIRECTLY FROM
2 THE HARFORD COUNTY SHERIFF'S DEPARTMENT.

3 (B) INSTRUCTIONS. THE "CITIZEN'S TWO PARTY
4 COMPLAINT" SHALL BE A SIGNED, WRITTEN FORM
5 COMPLAINT BY TWO OR MORE UNRELATED COUNTY
6 RESIDENTS WHO LIVE IN SEPARATE HOUSEHOLDS AND
7 WHO SIMULTANEOUSLY WITNESSED THE VIOLATION
8 OF THIS SECTION BY THE PROPERTY OWNER. THE
9 COMPLAINT MUST BE FILED WITH THE CLERK OF
10 DISTRICT COURT WITHIN 10 DAYS OF THE OCCURRENCE
11 OF THE ALLEGED VIOLATION OR MAY BE SUBJECT TO
12 REJECTION. THE CLERK SHALL DATE-STAMP THE
13 COMPLAINT ON THE DAY THE COMPLAINT IS RECEIVED,
14 ASSIGN THE COMPLAINT A NUMBER, AND FORWARD
15 THE COMPLAINT, ALONG WITH ANY SUPPORTING
16 DOCUMENTATION TO THE SUBJECT PROPERTY OWNER
17 AS WELL AS THE HARFORD COUNTY SHERIFF'S
18 DEPARTMENT.

19 Section 2. And Be It Further Enacted, that if any subsection, sentence, paragraph, or any
20 provision of this Section or the application thereof, to any person or circumstance is held
21 unconstitutional or invalid for any reason in a court of competent jurisdiction, such invalidity
22 does not affect other provisions or any other application of this Section which can be given effect

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1 without the invalid provision or application, and for this purpose the provisions of this Section
2 are declared severable.

3 Section 3. And Be It Further Enacted that this Act shall take effect 60 calendar days from the
4 date it becomes law.

EFFECTIVE:

*The Council Administrator does hereby certify that fifteen (15)
copies of this Bill are immediately available for distribution to the
public and the press.*

Barbara J. Connor

Council Administrator

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HARFORD COUNTY BILL NO. 07-44

Brief Title Nuisances – Off-Highway Vehicles

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

Council Administrator

Council President

Date _____

Date _____

BY THE COUNCIL

Read the third time.

Passed: LSD _____

Failed of Passage: _____

By Order

Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2007 at _____ p.m.

Council Administrator

BY THE EXECUTIVE

COUNTY EXECUTIVE

APPROVED: Date _____

BY THE COUNCIL

THIS BILL NO. 07-44, PRIOR TO THE PUBLIC HEARING ON LEGISLATIVE SESSION DAY 07-28 (OCTOBER 9, 2007), WAS WITHDRAWN FROM FURTHER CONSIDERATION BY THE SPONSOR IN LEGISLATIVE SESSION DAY 07-27 (OCTOBER 2, 2007).

Barbara J. O'Connor, Council Administrator